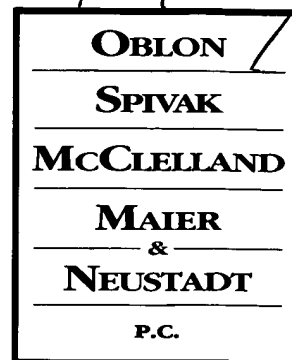




Docket No.: 217881US3 PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/049,294
Applicants: Manabu HASEGAWA
Filing Date: February 11, 2002
For: CARD ATTACHING AND DETACHING DEVICE
Group Art Unit: 2833
Examiner: MCCAMEY, A.



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SIR:

Attached hereto for filing are the following papers:

Appeal Brief (in triplicate)

Our credit card payment form in the amount of \$330.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Manabu HASEGAWA : EXAMINER: MCCAMEY, A.
SERIAL NO: 10/049,294 :
FILED: February 11, 2002 : GROUP ART UNIT: 2833
FOR: CARD ATTACHING :
AND DETACHING
DEVICE

APPEAL BRIEF UNDER 37 C.F.R. § 1.192

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Final Office Action dated June 2, 2003, the Appellant herein appeals the final rejection of Claims 10 and 11.

I. REAL PARTY IN INTEREST

The real party in interest is Mitsubishi Denki Kabushiki Kaisha of Tokyo, Japan.

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II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-11 are active. Claims 1-9 have been allowed. Claims 10 and 11 are finally rejected and appealed.

IV. STATUS OF AMENDMENTS

An Amendment After Final under 37 CFR 1.116 filed on August 5, 2003, was not entered.

V. SUMMARY OF THE INVENTION

The present invention is directed to a card attachment and detachment device for detachably holding a card in a space defined between a body and a bottom plate. The card attachment and detachment device can be used, for example, with a cordless telephone for holding a subscriber identification module (SIM) card.

The specification of the present application discloses a non-limiting Embodiment 10 (see Figures 15A-16 and page 16, line 2, through page 17, line 26) of the invention in which a holder (35) is provided having a card accommodation section (12) adapted to accommodate a card (C). The holder (35) is adapted to be inserted into and removed from a space (S) between a body (10) and a bottom plate (11). A lock member (36) is provided for holding the holder (35) within the space (S), and a release member (37 and 38) is provided for releasing the lock of the lock member. Additionally, a biasing member (16) is provided for ejecting the holder (35) when the card (C) is removed from the card accommodation section (12).

Accordingly, the invention ensures that the card is held even if the device undergoes external forces such as an impact if the telephone is dropped.

VI. ISSUES

The sole issue to be considered in this appeal is whether Claims 10 and 11 are anticipated by G.B. Patent Application 2,326,050 (Kubo).

VII. GROUPING OF CLAIMS

Claims 10 and 11 stand or fall together.

VIII. ARGUMENT

Claims 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kubo. Independent Claim 10 recites, among other features, a biasing member that is provided for ejecting the holder when the card is removed from the card accommodation section. As Claim 11 depends from Claim 10, Claim 11 also includes this feature. The Official Action cites Kubo for the teaching of a portable telephone set (30) that includes a case (32, 34) and a card loading mechanism (51, 52). Kubo describes a card holder (52) that includes an engagement claw (52c-2) that has a slant surface (52c-2a)(Fig. 5), and a vertical surface (52c-2b). The Official Action cites element (52c-2a) for the teaching of the biasing member in Claim 10.

In fact, Kubo does not teach a biasing member for ejecting a holder. Instead, Kubo describes the card holder (52) as being removed from the housing (51) by using the forefinger of an operator to engage handle (52c-3). (See Fig. 9 and page 16, lines 14-34.) Kubo describes the process of removing the card holder (52) from the housing (51) by using the forefinger of an operator to engage handle (52c-3), which bends the cantilever plate spring (52c) such that the engagement claw (52c-2) is disengaged from the central counter U-shaped frame portion (51a-4a). In the subsequent operation, the claw portion (52c-2) passes below the frame portion

(51a-4a), so that the card holder (52) is drawn outside of the housing using only the forefinger.

During the removal of the card holder (52) from the housing (51), the engagement claw (52c-2) is *disengaged from* the U-shaped frame portion (51a-4a)(see page 16, lines 24-25) and the engagement claw portion (52c-2) *passes below* the frame portion (51a-4a)(see page 16, lines 30-31). Thus, Kubo teaches a structure in which the engagement claw (52c-2) is not even in contact with the frame portion (51a-4a) during removal of the card holder (52) from the housing (51), and therefore no portion of the engagement claw (52c-2) could be said to eject the holder (52).

The slant surface (52c-2a) of the engagement claw (52c-2) is not a biasing member for ejecting the holder, as suggested in the Official Action. To the contrary, Kubo appears to rely solely upon the forefinger of an operator in order to eject the holder from the housing. The slant surface (52c-2a) of the engagement claw (52c-2) is merely provided to aid in the insertion of the card holder (52) within the housing (51). (See, for example, page 18, lines 13-24.) The Official Action is presumably relying upon the upward force (as viewed, for example, in Figure 7E) in the Z direction provided by the engagement claw (52c-2) in combination with the slant surface (52c-2a) for the ejecting of the holder (52), however, the Appellant submits that this interpretation is flawed for several reasons. Firstly, Kubo does not teach such a feature, but rather teaches the use of a forefinger (70) to disengage the engagement claw (52c-2) from the frame portion (51a-4a) in order to remove the holder (52). Secondly, the holder (52) must be ejected from the position depicted in Figure 7C through the position depicted in Figure 7D to the position depicted in Figure 7E before the slant surface (52c-2a) is even in contact with the frame portion (51a-4a), and thus the forefinger (70) is doing the ejecting and not the engagement claw (52c-2). And thirdly, the upward force of the engagement claw (52c-2) on

Application Serial No.: 10/049,294
Appeal Brief

the frame portion (51a-4a) would need to be of sufficient magnitude to overcome the various frictional forces present between the holder (52) and the housing (51)(note that a Z direction force is being relied on to achieve a Y directional movement), which is unlikely since the engagement claw (52c-2) is not designed to perform such a function.

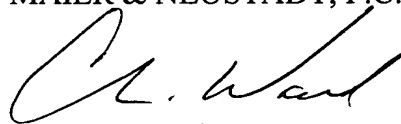
The Appellant submits that Kubo does not disclose *a biasing member for ejecting the holder*, as recited in independent Claim 10 and dependent Claim 11 of the present application. As Kubo does not disclose all of the limitations recited in Claims 10 and 11 of the present application, the Appellant respectfully submits that Kubo does not anticipate Claims 10 and 11.

For the above reasons, Claims 10 and 11 are believed to be patentable.

The Appellant therefore respectfully submits that all of the claims are patentable, and so requests that the final rejection be REVERSED.

Respectfully submitted,

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APPENDIX

10. A card attachment and detachment device holding detachably a card in a space defined between a body and a bottom plate, comprising:

a holder for being inserted into and removed from the space and having a card accommodation section accommodating the card;

a lock member for holding the holder within the space;

a release member for releasing the lock of the lock member; and

a biasing member for ejecting the holder when the card is removed from the card accommodation section.

11. A card attachment and detachment device according to Claim 10, further comprising a rib positioned at a part of the card accommodation section, the rib coming into contact with a distinctive shaped section of the card when the card is placed in the card accommodation section.